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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,463	03/16/2000	Atsushi Tanaka	862.C1861	2570
5514	7590	02/13/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SHANKAR, VIJAY	
		ART UNIT		PAPER NUMBER
		2673		

DATE MAILED: 02/13/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/526,463	TANAKA ET AL.	
	Examiner	Art Unit	
	VIJAY SHANKAR	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Priority

1.1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieu (5,164,585) in view of Kai et al (5,606,346).

Regarding Claims 1,6,11, Lieu teaches a coordinate input device (figs.1-3) for generating a beam spot by irradiating a predetermined position of a coordinate input surface (1 in fig.2) with light coming from a pointing tool (30 in fig.3; col.2, lines 22-35), and generating a coordinate value corresponding to the beam spot (figs.1-3), comprising: a plurality of sensing means (61,62 in fig.1; col.3, lines 2-19), arranged for at least one coordinate axis, for sensing the beam spot (fig.1-3; col.3, lines 2-19); and output means for outputting a coordinate value corresponding to the beam spot on the basis of the sensing result selected by the selection means, wherein light-receiving areas of the plurality of sensing means have an overlapping portion (summary; fig.1-3;col. 2, lines 15-68; col.3, lines 2-19).

However, Lieu does not teach measurement means for measuring peak levels of data sensed by the plurality of sensing means; comparison means for comparing the peak levels measured by the measurement means; selection means for selecting a sensing result of one of the plurality of sensing means on the basis of a comparison result of the comparison means.

Kai et al teaches the coordinate input device comprising measurement means for measuring peak levels of data sensed by the plurality of sensing means (fig.11, 13,16, 23, 29; col. 9, line 51- col.10, line 30; col.11, line 5- col. 12, line 67; col.16, line 49- col.17, line 13; col. 19, line 55- col.20, line12); comparison means for comparing the peak levels measured by the measurement means (fig.11; col. 9, line 51- col.10, line 30; col.11, line 5- col. 12, line 67; col.16, line 49- col.17, line 13; col. 19, line 55- col.20, line12); selection means for selecting a sensing result of one of the plurality of sensing means on the basis of a comparison result of the comparison means (fig.11, 13,16, 23, 29; col. 9, line 51- col.10, line 30; col.11, line 5- col. 12, line 67; col.16, line 49- col.17, line 13; col. 19, line 55- col.20, line12).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention to incorporate the teachings of Kai et al into Lieu for reducing the amount of noise.

Regarding Claims 2,7, Lieu teaches that each of the plurality of sensing means has a linear array of a plurality of photoelectric conversion elements (fig.1; col. 3, lines 3-19).

Regarding Claims 3-4,8-9, Lieu teaches that output means comprises computation means for computing the coordinate value corresponding to the beam spot at resolving power not less than the number of pixels corresponding to the plurality of photoelectric conversion elements; and the output means comprises storage means for storing a reference coordinate value in the overlapping portion, and the output means outputs the coordinate value corresponding to the beam spot using the reference coordinate value (figs.1-3; col.2, lines 15-68); col.3, lines 1-19).

Regarding Claims 5,10, Lieu teaches the overlapping portion is defined by light-receiving areas of neighboring ones of the plurality of sensing means (figs.1-3).

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is 703-305-4763. The examiner can normally be reached on M-F 7:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR
Primary Examiner
Art Unit 2673

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